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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,898	06/28/2000	Jay S. Walker	99-112	6292

22927   7590   10/19/2006

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EXAMINER
DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/604,898</td><td>Applicant(s)
WALKER ET AL.</td></tr>
<tr><td>Examiner
Arthur Duran</td><td>Art Unit
3622</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 September 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>139-300</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>139-300</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 139-300 have been examined.

Response to Amendment

2.   The Amendment filed on 9/25/2006 is insufficient to overcome the prior rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 139-300 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier

(5,871,398) in view of Sullivan (6,663,105).

The combination of Schneier and Sullivan renders obvious purchasing a plurality of

unlock codes, each unlock code being associated with an identifier that identifies a respective

lottery outcome;

determining that a user has satisfied a qualifying action that is associated

with a retailer;

receiving, by a device of the retailer from a device of a user, an identifier

that identities a lottery outcome that is locked;

determining an unlock code of the plurality of purchased unlock codes based

on the received identifier that identifies the lottery outcome that is locked; and

> providing the determined unlock code to the user.

> Schneier discloses a lottery or prizes with outcome identifier, validation codes, and

benefits (Fig. 1, 3, 6, 7, 9, 12; and below):

> "An off-line remote lottery system which enables players to <u>purchase</u>

instant-type lottery game outcomes from a randomized prize data stream in a

central computer, and view the outcomes on remotely disposed gaming computers

which do not require an on-line connection during play (Abstract).

> (4) In one specific embodiment of prior art paper instant ticket systems,

ticket outcomes are generated by the computer tapes that control printing of

the tickets. These tapes contain each outcome for any given run of tickets.

The outcomes are created using essentially similar methods throughout the

industry. For example, a run of 24 million tickets that has 120 top payouts of

$10,000 and a payout percentage of 55%, may be broken up into 100 blocks of

240,000 tickets each. The $10,000 winners will be distributed as evenly as

possible among the 100 blocks, so there will be at least one top <u>prize</u> in each

block, with 20 blocks having two top <u>prizes</u>. The 80 blocks without the two top

<u>prizes</u> will be compensated by offering more low and mid-tier <u>prizes,</u> so that

the payout percentage is exactly 55% for each 240,000 ticket block. Each of

these 240,000 ticket blocks is broken up into books of tickets, typically 200

to 400 tickets per book. Tickets are delivered to retailers in book units,

where each ticket has two identifying <u>numbers,</u> a book/ticket <u>number and a</u>

validation number. The book/ticket number is usually printed on the back of

the ticket. An exemplary book ticket number is "089-46127-234." The "089"

identifies the game, in this case a State.times.$3 "Win for Life." The "46127"

is the book number, which in this case means that this ticket is from book

number 46127. The "234" identifies this ticket as the 234th ticket from this

book. The validation number is printed under the latex surface on the front of

the ticket. This number is the key to determining whether or not the ticket is

a winner. When a winning ticket is presented for prize redemption, the

retailer types this number into an agent terminal, from which access to a

central database of instant tickets provided by the ticket printer is obtained

to search the record of outcomes for that run of tickets. This database

resides in a separate computer at the main computer center of the online

service provider (such as GTECH) (col 1, line 40-col 2, line 10).

(5) To prevent fraud, the validation number cannot be seen without scratching

off the latex covering material. If the validation number were visible without

requiring that the latex be removed first, retailers could check whether or not

each ticket was a winner, and then keep winning tickets for themselves, selling

only the losing tickets to customers. In this connection, the validation

number is typically comprised of nine (9) digits. An illustrative validation

number for the above "Win for Life" ticket is: 71069-7041. This number

singularly identifies this ticket from the millions of tickets that are printed

for that game. It is important to note that this number is encoded and not in

sequential order. If the latter was the case, retailers could <u>buy</u> one ticket

for themselves and check its <u>validation number</u>. They could then enter the next

ten <u>validation numbers</u> into the online system to determine whether any were

winners. Again, customers might be sold the losing tickets while the retailer

kept the winners. <u>Encryption</u> prevents this, because knowing one <u>validation</u>

<u>number</u> provides the retailer with no information about the next <u>number</u> "(col 2, line 10-30).

      Schneier further discloses validation the outcome or lottery:

      "(8) To redeem a winning paper <u>lottery</u> ticket, the player presents the same to

a redeeming agent, either at a <u>lottery</u> retailer or <u>lottery</u> office, or mails the

ticket in for redemption. To effectuate the redemption process, the redeeming

agent scans the bar <u>code</u> on the ticket which represents the batch serial <u>number</u>

on the ticket through a bar <u>code</u> scanner associated with the agent terminal.

The ticket agent also enters the ticket serial <u>number</u> into the agent terminal.

These ticket serial <u>numbers</u> are transmitted to the central management computer

for purposes of <u>validation</u>. When the central management computer receives a

<u>validation</u> request, it activates an on-line <u>validation</u> program which queries a

ticket value database using the particular ticket and batch serial <u>numbers</u> to

confirm that the ticket came from an activated master carton. If the ticket

value database confirms a payout, the <u>validation</u> program <u>authorizes the lottery</u>

retailer to pay the player cash or provide another <u>prize</u> (e.g., a free ticket)" (col 3, lines 10-27).

      Schneier further discloses an authorization message/code:

      "(16) In another aspect of the invention, the invention includes a method for

enabling games of skill for <u>prizes</u> on at least one remote game computer, where each game has at least one correct solution and where a central <u>authority</u> having an associated central management computer <u>authorizes</u> players to play the games on the game computer, the players' solutions to which are verified by the central <u>authority,</u> wherein the method includes the steps of (a) identifying the game computer to the central management computer; (b) requesting a <u>number</u> of game <u>authorizations</u> from the central management computer; (c) the central management computer generating a count of <u>authorized</u> games of skill, and forming an authenticatable game <u>authorization message</u> representing the game <u>authorizations</u>; (d) communicating the authenticatable game <u>authorization message</u> to the game computer after payment <u>authorization for the authorized</u> games by the player; and (e) the game computer authenticating the authenticatable game <u>authorization message</u> and, if authenticated, allowing the game computer to play a <u>number</u> of games of skill represented in the authenticatable game <u>authorization message</u>"(col 4, line 65-col 5, line 20).

Schneier further disclose selling tickets:

"(2) With reference to the several views of the drawings, there is depicted an off-line system for playing games of skill and games of chance, including <u>lottery</u> games, generally characterized in a first embodiment by the reference numeral 10, and principally comprised of a managing <u>authority</u> 11 having a central management computer CMC 12, a telecommunications network 14 which provides remote terminal access to the CMC 12, a plurality of agent terminals

(AT) 16 associated with various retailers 18, and a plurality of HTV units 20

which enable game play. The term "managing authority" is used in the general

sense and is intended to include any central authority, including any agents

thereof which oversees and administers tournaments of skill and/or any wagering

authority which sells no choice (e.g., scratch-off lottery tickets, bingo or a

sweepstakes) or pseudo-choice (e.g., video poker) games or races of skill

having a known correct solution if the player plays correctly. The term

"retailers" includes any participating merchant where an AT 16 is located" (col 5, line 55-col 6,

line 10).

Schneier further discloses a sequence variable code for redemption:

"(5)   FIG. 2 is a block diagram showing details of the CMC 12, which generally

includes a CPU 30, memory 32, an I/O interface 34 for loading programs into

memory 32, and a communications interface 35 for communicating through the

network 14 with the ATs 16. The CMC 12 may also communicate through a base

station network 15 with a plurality of base stations having transceivers for

broadcasting and receiving RF signals to communicate messages directly between

the CMC 12 and the HTV 20 in an alternative embodiment described below and

illustrated in FIG. 13. The CMC has software or firmware (hereinafter referred

to as "programs or routines" and "data") which are used to implement various

functions in the system. FIG. 3 depicts an exemplary memory arrangement of

programs and data stored in the CMC 12. Memory 32 includes an operating system

33 which controls the CMC 12 in a conventional manner and need not be described

in detail. In the illustrative embodiment, the CMC 12 has a memory area or database 36 in memory 32 for each HTV 20 in which specific information is stored to enable the CMC 12 to assign outcomes/game authorizations to that HTV 20 and to keep track of what has been assigned to that HTV 20 to provide for the redemption of winnings and to ensure that the HTV 20 is a verified unit in connection with a given transaction. Data in memory 36 may be retrieved and updated as required in order to perform the desired functions. For purposes of convenience, the following description is directed to an HTV which is registered to a single player. However, it is anticipated that an HTV 20 may contain multiple accounts for different players where access to the HTV 20 is made available through different passwords. An HTV 20 must be initially registered with the managing authority 11 prior to use. In this connection, identification information is initially stored in memory 32 of the CMC 12. The identification information includes a unique unit identifier or HTV ID ("ID") stored in a field 37 and, optionally, a chaining or sequence variable ("SV") stored in a field 38. The SV may constitute a 64-bit identifier which is unique to each HTV 20. Similarly, the SV may constitute a 64-bit representation of the history of outcomes/game authorizations which have been purchased and transferred to the particular HTV 20. Accordingly, SV is updated in accordance with some predetermined protocol, such as for example, every time purchased outcomes/game authorizations are assigned to the particular HTV 20 as a one-way function of the outcomes/game authorizations purchased. Thus, the SV

is unique to each HTV 20 because it is a record of all transactions at any

point in time with respect to that HTV 20. In an exemplary embodiment, the SV

is used as a way to prevent fraud by uniquely identifying the particular HTV 20

as a function of both I and SV during purchase and/or redemption transactions.

The particular protocols are discussed in more detail below" (col 6, line 52-col 7, line 37).

Schneier further discloses various validation codes and procedures:

"(7)   The present invention employs various cryptographic protocols to prevent

fraud, specifically to preclude players from cheating the system by making up

prize redemption codes. In this regard, purchased outcomes/authorized games

may be represented by an authenticatable game authorization message AGAM and

prize redemption requests by an authenticatable redemption request message ARRM

by using a variety of protocols, including: one-way hash functions (also known

as compression functions, contraction functions, message digests, fingerprints,

cryptographic checksums, data integrity checks (DICs), manipulation detection

codes (MDCs), and data authentication codes (DACs)), one-way hash functions

with encryption keys (also known as message authentication codes (MACs)),

digital signatures, and the like, with an encryption/decryption module in the

HTV 20 as described further below. The practice of using cryptographic

protocols to ensure the integrity and security of messages is well known in the

art and need not be described here in detail. For reference, one of ordinary

skill in the art may refer to BRUCE SCHNEIER, APPLIED CRYPTOGRAPHY,

PROTOCOLS, ALGORITHMS, AND SOURCE CODE IN C, (2n Ed, John Wiley & Sons,

Inc., 1996). The encryption/decryption module contains algorithms and keys for encrypting,

decrypting and/or authenticating messages. Examples of well-known

cryptographic authentication protocols with regard to a prize redemption

request where the CMC 12 verifies the claimed winnings are as follows:

(10) 1. HTV 20 encrypts outcome/game authorization data with the shared

secret key to form an authenticatable redemption request message ARRM" (col 7, line 50-col 8,

line 15).

Schneier further discloses outcome and validation messages/codes:

"(109) The present application, in one exemplary embodiment, presents a system

for enabling games of chance for prizes on at least one remote game computer,

where each game has at least one associated outcome that is predetermined by a

central authority with an associated central management computer that

authorizes game play on the remote game computer and provides for verification

of the at least one outcome after game play by the central authority. The

system may generally comprise: at least one game computer including associated

memory and processing means for executing at least one program from the

associated memory, where the at least one program includes a game program. The

processing means execute the game program to enable the player to play at least

one game on the game computer upon receipt of outcome and game authorization

data pursuant to a purchase request, where the data represent either a single

predetermined <u>outcome</u> or an aggregation of constituent <u>outcomes</u>. The game

computer may further include authentication means operatively associated

therewith for generating and authenticating authenticatable <u>messages</u> utilizing

a variety of cryptographic and other protocols" (col 24, line 55-col 25, line 10).

Schneier further discloses prizes, outcomes, and authorization messages:

"(112) (a) identifying the game computer to the central management computer;

(113) (b) requesting a <u>number</u> of game <u>authorizations</u> from the central

management computer;

(114) (c) the central management computer forming an authenticatable game

<u>authorization message</u> representing at least one predetermined game <u>outcome</u>;

(115) (d) communicating the authenticatable game <u>authorization message</u> to the

game computer after payment <u>authorization for the authorized</u> games by the

player; and

(116) (e) the game computer authenticating the authenticatable game

<u>authorization message</u> and, if authenticated, allowing the game computer to

reveal the at least one predetermined <u>outcome</u> represented in the

authenticatable game <u>authorization message</u>. . .

(119) (f) identifying the game computer to the central management computer;

(120) (g) the game computer generating an authenticatable redemption request

<u>message</u> representing the at least one predetermined game <u>outcome</u>;

(121) (h) communicating the authenticatable redemption request <u>message</u> to the

central management computer through at least one of a temporary direct

electronic connection and a manually input data step; and

(122) (i) the central management computer authenticating the authenticatable

redemption request <u>message</u> and verifying <u>outcome</u> data represented therein to

<u>outcome</u> data previously transmitted in said authenticatable game <u>authorization</u>

<u>message to authorize</u> at least one of a payout of winnings and credit toward

additional game <u>authorizations</u>" (col 25, line 30-col 26, line 5).

Schneier further discloses that the merchant can buys tickets:

"(9) In other paper instant ticket systems, there is no central management

computer that manages the system from a <u>purchase</u> and redemption standpoint.

The lottery retailer simply <u>buys</u> tickets from a printer, resells them to

players, and then handles all aspects of validation and payment of winnings" (col 3, lines 27-

35).

Schneier further discloses that the user can buy outcomes:

"(2) This outcome may constitute an aggregation of outcomes; the

important aspect being that the CMC 12 has a record of the outcomes sold in any

<u>purchase</u> transaction for future verification of prizes/winnings, just as with

the current practice of selling instant-type lottery tickets. Thus, the player

is essentially <u>purchasing</u> outcomes/game authorizations from the CMC 12. These

are transferred to the HTV 20 and may be revealed through various games

generated thereon. The word "game" as used herein is intended to include the

graphic rendition of, for example, an instant scratch-off type lottery ticket

on the display screen of the HTV 20 or any other device having an electronic

display" (col 2, lines 5-20).

Schneier further discloses a variety of winnings and incentives and the utilization of retailers:

"(43)   Other programs resident in the CMC memory 32 include an accounting routine 72 which calculates and updates the winnings for each HTV 20 in an account 73 associated with memory area 40. The term "winnings" as utilized herein is intended to include money, reward points or some other reward indicator. The accounting routine 72 is used to track the cumulative value of player winnings and losses after the player has cashed-out. The accounting routine 78 enables the CMC 12 to duplicate a player's credit balance at any point in the outcome sequence (col 11, lines 20-32).

(46)   In order to provide for tracking player history, data relating to players, including any related bonus award data, may be stored in a player information database 79. In this manner, the managing authority 11 can provide players with loyalty rewards such as free outcomes/game authorizations for total "tickets" purchased or the like (col 11, lines 50-56).

(83)   a lottery system which enables predetermined game outcomes to be rendered on an HTV, yet where prize redemption can be implemented at a retailer in the same manner and with the same convenience as instant scratchoff lottery paper tickets (col 23, lines 25-31);

(98)   a lottery system which allows for a managing authority to track players and various attributes of their play, such as, for example, play frequency,

betting level, type of games played and the like, to utilize such information

to provide various bonus <u>awards</u> and incentives" (col 24, lines 13-20).

Scnheier does not explicitly disclose that the validation code/message can be given as an

reward for a user qualifying action such as a purchase.

However, Sullivan discloses the validation code/message can be given as an reward for a

user qualifying action such as a purchase (Fig. 9; Fig. 10; Fig. 11; Fig. 13; Fig. 15):

"(83)   The lottery pick numbers are compared to the database of obtained codes

at step 2050; if there is no match then no benefit is provided to the customer

and the lottery ticket is returned to the customer at step 2060. Otherwise,

when there is a match, the customer is <u>rewarded</u> for having gone online, entered

his or her lottery pick numbers, and shopped at a selected store. Thus, at

step 2070, the customer may be refunded the cost of the lottery ticket (e.g.,

one dollar) upon presenting a lottery ticket with registered lottery pick

numbers. The customer may be provided with further benefits to encourage a

visit to the store's Web site, e.g., by distributing a <u>code</u> to the customer on

a game card or receipt from that <u>purchase</u> transaction which can be entered

online as described in sections A-E above, by having a second drawing for those

players that entered their <u>lottery</u> pick <u>numbers</u> online, or by offering

discounts and gifts for visiting stores that are geographically close to where

the <u>lottery</u> ticket was <u>purchased</u> (a traceable factor). Such further benefits

may take into account other predetermined criteria such as whether the store

has excess inventory to sell, any specials that are in progress or planned, and

the like (col 19, line 55-col 20, linen 10).

(88) The registered code can now be presented at any participating Internet site or dirt-world store to redeem a benefit such as a discount. In this arrangement, the user is presumed to have <u>purchased a lottery</u> ticket based on his or her knowledge of a valid <u>code</u>; even if the user provides a set of <u>lottery</u> pick <u>numbers</u> without having <u>purchased</u> the ticket, the participating Internet sites still benefit from this fraudulent act when that user makes a <u>purchase</u> at their sites. In other words, the "player" was directed to that site to make a purchase and so the <u>marketing</u> campaign was a success. In any event, the player may be required to present a lottery ticket bearing a registered validation code if the benefit is to be redeemed in a dirt-world store" (col 20, lines 30-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Sullivan's validation codes for prizes that act as an incentive for making purchases to Schneier's validation codes and retailer/vendor stores and variety of incentives. One would have been motivated to do this in order to better promote purchasing or activity at a store.

Also, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a variety of activities of retailer/vendor interest can be promoted. One would have been motivated to do this in order to better promote activities of benefit to retailer/vendors.

Response to Arguments

4.   Applicant's arguments with respect to the rejection(s) of claim(s) 139-300 have been fully considered and are not found to be persuasive.

On page 2 of the Applicant's Remarks dated 9/25/2006, Applicant states that the combination of the prior art does not render obvious an unlock code.

Examiner notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner notes that Applicant's claims state minimal features as to the unlock codes. For example, Applicant's claim 139 states that outcome and unlock codes are generated and provided. Hence, the form of or what are unlock codes and outcomes is open to a broad interpretation. Also, the relationship between unlock codes and outcomes is open to a broad interpretation.

And, on page 2 of the Applicant's Remarks, Applicant states that the validation number that is beneath latex cannot be an unlock code. However, in that example, the validation number is an encrypted code or number that has been generated and that is associated with the outcome or winning number. That is, a winning number/outcome is generated. And, an encrypted validation number/unlock code is generated and placed on the ticket beneath latex. Then, the encrypted validation number/unlock code is utilized to access the outcome that was generated.

Also, Schneier gives several examples of different unlock codes and outcomes. Schneier discloses an unlock code/validation number and outcomes (col 1, line 40-col 2, line 10; col 2, line 10-30). Schneier also discloses an unlock code/bar code and outcomes (col 3, lines 10-27). Schenier also discloses an unlock code/sequence variable code and outcomes (col 6, line 52-col 7, line 37). Schenier also discloses an unlock code/authenticatable game authorization mesages code/encrypted codes and outcomes (col 7, line 50-col 8, line 15). Schenier also discloses an unlock code/game authorization codes and outcomes (col 24, line 55-col 25, line 10). Schenier also discloses an unlock code/game authorization codes and outcomes (col 25, lines 30-col 26, line 5). Hence, Schneier discloses several different ways that unlock codes and outcomes can be generated, provided, and associated.

Also, beginning on page 4, Applicant states that several dependent claim features are not rendered obvious by the combination of the prior art.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

And, Examiner notes that it must be presumed that the artisan knows something about the art apart from what the references disclose. In re Jacobv, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The problem cannot be approached on the basis that artisans would only know what they read in references; such artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby. Also, the conclusion of obviousness may be made

from common knowledge and common sense of a person of ordinary skill in the art without any

specific hint of suggestion a particular reference. In re Bozek, 416 F.2d 1385, USPQ 545 (CCPA

1969). And, every reference relies to some extent on knowledge or persons skilled in the art to

complement that which is disclosed therein. In re Bode, 550 F.2d 656, USPQ 12 (CCPA 1977).

And, Schneier (col 9, lines 20-35) and Sullivan (col 21, lines 15-25) further discloses that

qualifying actions can be deemed invalid and that there can be an expiration dated/time period

associated with a qualifying action.

Schneier discloses more than one possible game solution or more than one possible

outcome and more than one possible unlock code/chance (col 4, line 65-col 5, line 5; col 24,

lines 55-65; col 26, line 65-col 27, line 5; claim 1; claim 2).

Hence, the combination of the prior art renders obvious the features of the Applicant's

claims.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

a) Leason (6,251,017);

b) Mothwurf (20050033642):

"[0013] In order to satisfy the above objects there is provided, in accordance
with a first aspect of the invention, a method of promoting a product or a
brand in a retail store comprising the steps of analyzing data determined at a
point of sale relating to purchases by a customer, e.g. data from a bar-code
scanner, to determine whether a customer has purchased a particular product or
brand or has purchased products equaling or exceeding a predetermined value
and, if this is the case, entitling the customer to participate in a
prize/bonus ticket game configured as a game of chance, conducting a game of
chance based on a predetermined win table having a specified number of

predetermined winning numbers each associated with a bonus or prize and a
further number of no win stops, i.e. numbers which are not winning numbers, and
in the case of a win, issuing to the customer a lottery ticket which is a
winning ticket associated with the product or product range.

[0014] The invention is thus based on the concept that the promotion of a
particular product or brand of products can be made more exciting for the
customer and more effective because of enhanced customer interest if the
customer is entitled, on purchasing a product or brand, to participate in a
game of chance which gives the opportunity for the customer to win a prize,
with the validation of prizes taking place via a type of lottery ticket".

c) Eggleston (6061660)(Fig. 11; Fig. 12; and below):

"(88) Referring to FIG. 11, at the step 384 the HTTP server 188 of the host
computer 18 also initializes an application program that builds the underlying
code for the incentive program. The application program may be programmed in a
language for building incentive programs, such as C++. The application program
inserts algorithms and generates code to create an incentive program satisfying
the parameters entered by the sponsor. The code is a series of statements,
such as C++ statements, each statement reflecting the implementation of one of
the incentive program parameters defined by the sponsor. For example, a
sweepstakes incentive program would include, as a step in the generated code,
the generation of a random number, as well as the selection of a winner based
on the random number. Once the incentive program is complete, the sponsor may
pay for the incentive program by electronic funds transfer, credit card, or the
like. Once the payment is confirmed, a file containing the code for the
incentive program is transmitted, in the step 388, to the sponsor for
downloading on the sponsor's site, whether by electronic mail, an HTTP link, or
similar conventional transmission. As with the prepackaged incentive programs
bought by the sponsor, the incentive program must be capable of generating a
signal indicating that a consumer has won. The "win" signal calls an
application program that updates the consumer database 200 to reflect that the
consumer has won the prize associated with the incentive program and the
application program updates the sponsor database 202 to reflect that the prize
associated with the incentive program has been won by the customer. An HTML
page is generated for the individual consumer indicating whether a win or loss
has occurred and, in the case of a win, identifying the prize and fulfillment
option."

d) Grippo (6017032):

"(20)   Other means of acquiring tickets for use in playing the present lottery
game may be provided, as well. For example, an <u>advertiser,</u> business, or the
like may establish a relationship with the operator of the present <u>lottery</u> game
in which players may <u>purchase</u> tickets using some collateral other than money,
such as <u>purchase</u> receipts, product packaging or labeling (e.g., food wrappers),
etc., in accordance with the arrangement between the establishment and the game
operator. The game operator collects the appropriate non-monetary collateral
from the bettors or players and presents it to the advertising or business
establishment, whereupon the establishment reimburses the game operator for the
equivalent amount of funds required to purchase the tickets provided for the
non-monetary collateral".

e) Katz (5365575) discloses autocancel features:

"(55)   The <u>lottery</u> ticket LT on its reverse side is provided with a bar <u>code</u> BC
defining a number corresponding to the unique identification number UN which
would allow the <u>retailer or the lottery</u> system to verify instant winners when
the <u>lottery</u> tickets are redeemed and automatically cancel related information
on the data stored in the memory".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arthur Duran
Primary Examiner
10/3/2006